HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.2377 of 1989
Date of decision : 14.03.2007

Onkar and others **.....Petitioners**

versus

Moorti **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: None.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Additional District Judge, Narnaul dated 18.8.1988, whereby suit for recovery of Rs.3,000/- as damages caused to the crop of the plaintiff by the defendants, was decreed.

It is the case of the plaintiff that the plaintiff is owner and in possession of the suit land. Previously father of defendant No.1 used to cultivate the land as tenant. After his death, his son started cultivating the land in the same capacity. Since defendant No.1 and other heirs did not pay the lease money, an application for ejectment was filed against them and an order of ejectment was passed by the Collector and upheld by the Commissioner, Hisar Division, Hisar. Even thereafter, the rent was not paid and after every three years an application for ejectment was filed and in this way, rent of 10 years became due towards defendants. When Girdawar went to attach the property, defendant No.1 and his brothers entered into a compromise and they paid Rs.7,000/- in cash and left the

standing crop for the plaintiff and also handed over the possession of the land in dispute. Since then, the plaintiff is in possession of the property in dispute.

It was found that on 13.6.1982, the defendants alongwith some other persons came to the land in dispute and inflicted injuries on the person of Jagdish, the person employed by the petitioner to look after the crop. Thereafter, defendant No.1 destroyed the crop with the help of tractor and, thus, caused loss to the crop to the extent of Rs.3000/-.

The learned trial Court returned a finding that defendant No.1 alone has caused damage to the crop and consequently decreed the suit against defendant No.1 alone. However in appeal, the judgment and decree passed by the learned trial Court was modified and all the defendants were made liable for payment of damages.

The learned First Appellate Court has found that from the statement of Jagdish and from the written statement filed by the defendants, it is proved that all the 5 defendants entered into the filed where *Jawar* crop had been sown and defendants Onkar, Jai Narain, Mahabir and Har Chand with the help of Balbir Singh caused damages to the crop. Such finding is the finding of fact based on proper appreciation of evidence.

I do not find any illegality or irregularity in the order passed by the learned first Appellate Court, below, which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 14, 2007
**mohinder*